

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1

Gorski & Knowlton PC  
Allen I. Gorski, Esq.  
311 Whitehorse Avenue; Suite A  
Hamilton, New Jersey 08610  
609-964-4000  
[agorski@gorskiknowlton.com](mailto:agorski@gorskiknowlton.com)  
Attorneys for Leader Electric Co. Inc.

In re:

HOLLISTER CONSTRUCTION SERVICES,  
LLC

Debtor.

**FILED**  
JEANNE A. NAUGHTON, CLERK

**FEB 20 2020**

U.S. BANKRUPTCY COURT  
TRENTON, NJ  
BY \_\_\_\_\_ DEPUTY

Chapter 11

Case No. 19-27439-MBK

Hearing Date: February 20, 2020

Judge: Hon. Michael B. Kaplan

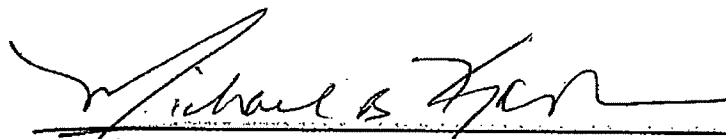
Recommended Local Form:

☒ Followed

☐ Modified

**ORDER VACATING OR MODIFYING STAY**

The relief set forth on the following pages, numbered two (2) through and including three (3) is hereby **ORDERED**

  
\_\_\_\_\_  
MICHAEL B. KAPLAN, USBJ

2/20/20

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**THIS MATTER** having been opened to the Court by Allen I. Gorski, Esq. of the firm of Gorski & Knowlton PC, attorneys for Leader Electric Co. Inc. (hereinafter "Leader"), one of the creditors in the above matter, and the Court having reviewed the papers submitted and good cause having been made; it is therefore

**ORDERED** that the automatic stay be and is hereby modified to allow Leader to commence one or more actions and to join Hollister Construction Services, LLC ("Debtor"), as a necessary and nominal party only in legal proceedings before the New York Courts, in order to prosecute claims against parties other than the Debtor to fully ascertain and thereafter enforce Construction Lien Claims filed and served by Leader in connection with the construction project at 33 Peck Slip, NY, NY, Section 1, Block 107, Lot 38 project and more fully described in the Notice of Motion and accompanying Certification of Travis J. Fairey, C.O.O. of Leader dated January 23, 2020, respectively; ~~\*~~ and it is

**FURTHER ORDERED**, that during the pendency of the bankruptcy proceedings or until further order of the bankruptcy court, Leader shall not seek to obtain a final judgment against the Debtor in any state court proceeding, nor shall Leader take any further action against the Debtor or property of Debtor's estate, other than by way of an application or adversary proceeding adverse to Debtor before the bankruptcy court which seeks to obtain any relief available to Leader in accordance with the rules governing these bankruptcy proceedings; and it is

**FURTHER ORDERED**, that the automatic stay remains in effect in all other respects, but without prejudice to the rights of Leader to file one or more unsecured proof of claims in this bankruptcy proceeding; and it is

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**FURTHER ORDERED**, that notwithstanding anything to the contrary in this Order, Arch Insurance Company and Arch Reinsurance Company (together, "Arch") shall not be prejudiced or be deemed to have waived any and all rights, claims and defenses of Arch, all rights, claims and defenses being expressly reserved, to the extent Leader asserts any claims against Bonds issued by Arch including but not limited to Bond No.: SU1151825; and it is

**FURTHER ORDERED**, that nothing contained within this Order constitutes a waiver of any party's rights and defenses, including the Debtor's rights and defenses, to defend against or challenge standing, forum or venue in any subsequent dispute (including lien issues), and all parties' rights, including the Debtor's rights, are hereby reserved.

\* The relief granted herein <sup>and the determinations made by the Court</sup> are limited in effect and scope to the construction project referenced in the Motion and in this decretal paragraph. (MSK)

(MSK)